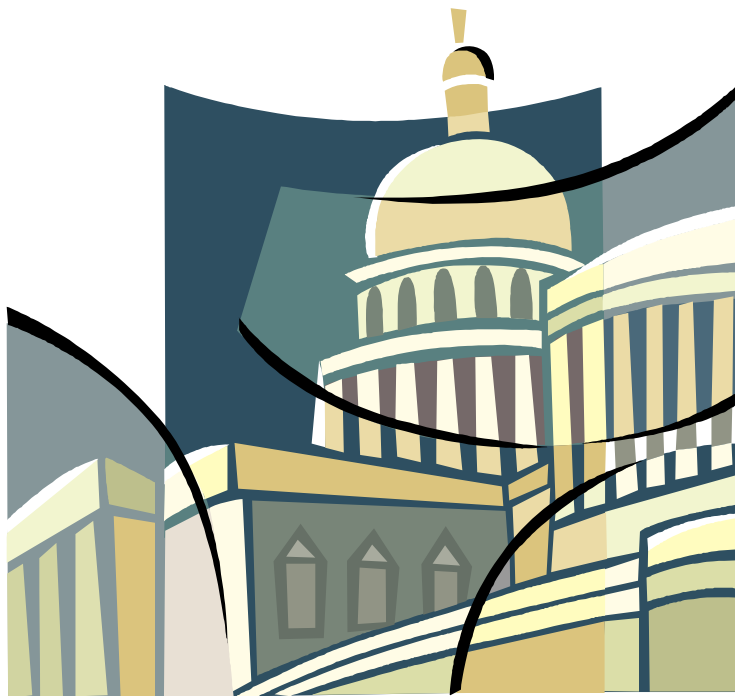


PRESIDING OFFICER MANUAL

MONTANA STATE LEGISLATURE
2007



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I. PREFACE

A citizen's legislature means more than citizen-legislators taking time from their normal lives and jobs to help make policy for the state. It means citizens can participate directly. The committee hearing process in the Legislature, in fact, is the primary opportunity for citizens to come before their representatives--legislators--to make their views known on pending policy--legislation. The presiding officer's organization and management skills help the process to flow as smoothly as possible, given sometimes controversial subjects and passionate viewpoints.

All committee meetings must be open to the public under the Montana Constitution, Article II, Section 8, "Right of Participation", and Section 9, "Right to Know", as implemented in Title 2, chapter 3, part 2, Montana Code Annotated, regarding open meeting laws.

Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Among the tools that a presiding officer can draw upon are:

- the Montana Constitution, particularly Article II, Section 8 and Section 9;
- the Joint Rules of the Montana Legislature or the rules for either the House or the Senate;
- "Mason's Manual of Legislative Procedure" (not "Robert's Rules of Order", which is used in many city and county committees); and
- the related guidelines in this Presiding Officer Manual.

A presiding officer can help to provide the best experience for citizens and committee members by controlling the hearing process to make sure that hearings are conducted fairly and in a manner that demonstrates respect for members of the public as well as the committee. Time management is critical. Equally important is observation of committee rules so that both members and the public know what is expected and what they can expect. Finally, compliance of the law protects against challenges of legislation based on faulty process.

By avoiding the appearance of bias, seeking to make witnesses feel at ease, and making sure that participants, including committee members, know the

ground rules, the presiding officer steers the process on a steady course so that legislation can be debated on its merits rather than sidelined by process debates.

II. RESPONSIBILITIES OF THE COMMITTEE PRESIDING OFFICER AND STAFF

A. COMMITTEE PRESIDING OFFICER (also known as chairman, chair)

1. The presiding officer of a committee is designated by the Speaker of the House or the Senate Committee on Committees. The presiding officer has general control and direction over the committee room.

2. Although the presiding officer is responsible for the efficient management of the Committee, including appropriate scheduling of bills for hearing or executive action and ensuring fair and unbiased decorum, it is the Committee, as a whole, that is responsible for gathering public comment; reviewing, analyzing, and amending bills; and recommending the passage or disapproval of bills.

#. Committee organization and operation and management are the main presiding officer's role and covered in this manual.

B. COMMITTEE VICE PRESIDING OFFICERS

1. In the House, the majority and minority vice presiding officers are selected by the Speaker of the House. (Senate rules do not address the use of vice presiding officers.)

2. The majority vice presiding officer presides over committee meetings when the presiding officer is absent or is presenting a bill to the committee.

3. The minority vice presiding officer serves as a contact for the minority members and as presiding officer when both the presiding officer and the majority vice presiding officer are absent or they are presenting bills.

C. RESPONSIBILITIES OF COMMITTEE SECRETARY

The secretary's duties include:

1. calling the roll for attendance and roll call votes in executive action;
2. assisting the presiding officer in scheduling bill hearings and executive action based upon the number and status of bills in the committee by utilizing the LAWS bill status reports (See Appendix 5);
3. assisting the presiding officer in scheduling subcommittee meetings and executive action on bills in the committee;
4. providing adequate notice of bill hearings, subcommittee meetings, and executive action as directed by the presiding officer that conforms with the public's constitutional right to observe and participate in governmental operations;



Current House and Senate rules encourage that the public be given at least 3 days' notice of a hearing in most cases.

5. notifying bill sponsors of hearings on their bills;
6. notifying committee members and staff of bills scheduled for hearing, meeting of subcommittees, and bills scheduled for executive action;
7. maintaining for each member a book or folder containing a copy of each bill referred to the committee and a copy of each fiscal note prepared for those bills;
8. contacting the Chief Clerk or the Secretary of the Senate if fiscal notes for bills assigned to committee are not sent to the Committee prior to hearings;
9. ensuring that all witnesses sign the registration before testifying;
10. preparing the committee report for each bill reported out of committee;
11. ensuring that committee reports and amendments are contained in the committee record;
12. preparing accurate summary minutes of committee and subcommittee meetings according to the policies of the respective house; and
13. providing general administrative and logistical support to assist the presiding officer and the work of the committee.

D. RESPONSIBILITIES OF COMMITTEE STAFF

An attorney or research analyst from the Legislative Services Division is assigned to most standing committees. Staff from the Legislative Fiscal Division are assigned to the House Appropriations and the Senate Finance and Claims Committees and the Joint Subcommittees. Staff are assigned to select committees as necessary.

In Montana, committee staff are nonpartisan by design and have a duty to assist each member of the committee regardless of committee member's party affiliation.

The committee staff person's duties include:

1. reviewing bills assigned to the committee for possible conflict with other bills;

If a legal or technical issue related to a bill is not raised with the committee by proponents or opponents during the hearing, it is the duty of staff to inform the committee of the legal or technical concern prior to executive action on the bill.

2. drafting amendments upon request of individual committee members prior to committee action;

Requirements include ensuring amendments conform with the U.S. and MT Constitution and the Bill Drafting Manual, avoiding conflicts with MT statutes, checking any internal references, and ensuring the amendment has not violated the requirement that the bill title be limited to one subject or change the original intent of the bill.

3. compositing amendments adopted individually by the committee in executive action for inclusion in the committee report to the full Senate or House;
4. drafting committee bills;
5. attending subcommittee meetings, conference committees, or free conference committees as assigned and drafting conference committee amendments if adopted; and
6. assisting a subcommittee obtaining data or other information pertaining to bills under deliberation by the subcommittee.

E. ORGANIZATIONAL MEETING WITH STAFF

Prior to or during the first day or two of the session, the presiding officer, the committee secretary, and the committee staff should meet to:

1. exchange direct phone numbers and room numbers;
2. discuss and outline the working arrangement for committee work;
3. review the presiding officer's expectations of staff; and
4. arrive at a mutual understanding of the roles and responsibilities of the staff to the presiding officer and to the committee as a whole.



F. INITIAL COMMITTEE ORGANIZATION

At the first organizational committee meeting, the presiding officer must lay the ground rules for:

1. location of electronic equipment (cameras, TV coverage, etc.) by the public or press and use of cell phones;
2. time limits for popular or controversial bills;
3. testimony by fellow legislators;
4. motions in committee (see section IIIJ and Appendix 3);
5. the presiding officer's policy and schedule regarding executive action on bills heard (e.g., every Friday, the following meeting at the beginning, etc.);
6. the use of proxy votes (see Appendix 2) by members of your committee when they are not present for executive action (e.g., excused and unexcused absences - unexcused absences may include a member who "boycotts" committee meetings for personal reasons);
7. minority reports by committee members;

8. order of roll call votes (i.e., alphabetical, presiding officer first or last, etc.)

III. COMMITTEE OPERATION AND MANAGEMENT

A. CONVENING THE HEARING

1. After the committee is seated at the designated time, the presiding officer should ask the secretary to call or "note" the roll in order to determine if the necessary quorum is present. A "quorum" means a minimum number required for a valid meeting, a majority of the members or one over half the number on the committee. Those present, absent, and excused must be noted by the Committee secretary (before convening the committee, the presiding officer should inform the secretary of excused absences).

2. A hearing on a bill may not proceed unless the sponsor is present or has waived the requirement for the sponsor's presence.

3. The presiding officer may convene a meeting before all the members have arrived. Bills may be heard but may not be acted upon without a quorum. Hearing bills without a quorum is discouraged because of the difficulty of informing absent members of testimony and because of the perception that is created for the public.

4. The Speaker of the House or the President of the Senate and the appropriate majority and minority leaders are ex officio nonvoting members of all standing committees and may be present for purposes of establishing a quorum. The members of the committee should be instructed to notify the presiding officer of anticipated absences.

5. Following announcement of a quorum, each hearing proceeds in roughly the same order. Appendix 1 to this manual lists the order in which most hearings should proceed.

B. COMMITTEE RULES

1. Each committee should establish written rules for the operation of the committee. The rules should be posted and pointed out to witnesses before the beginning of each meeting. Each person who wishes to testify on a bill must sign a witness list that is usually located near the entrance to the committee room. The secretary will use the witness list to properly identify people testifying on a bill. The witness list becomes a part of the committee record. Witnesses are encouraged to submit written testimony, and the testimony may be submitted before the hearing. Presiding officers may discourage the reading of written testimony in order to save time and allow additional testimony to be heard.

2. Committees must use Chapter 3 of their respective rules (along with appropriate provisions of the Montana Constitution and MCA) in establishing any written rules for the operation of the committee. A sample of committee rules is contained in Appendix 2 to this manual.

C. POWERS OF THE PRESIDING OFFICER



1. The presiding officer:
 - a. Coordinates work of the Committee staff (assigned to the Committee).
 - b. Schedules hearings and executive action on bills and resolutions.
 - c. In the committee room, has the duty to:
 - i. Call the roll and determine the status of committee members (present, excused, absent).
 - ii. Determine in what order bills will be heard;
 - iii. Call for testimony on a bill;
 - iv. Require that testimony be relevant to a bill;
 - v. Control the time used by a witness or witnesses on a bill;
 - vi. Recognize members wishing to speak or ask questions;
 - vii. Direct that questions to witnesses go through the presiding officer;
 - viii. Rule a witness out of order because of the nature of testimony (e.g., a personal attack on a member or other witness);
 - ix. Require that persons disrupting the committee process (e.g., interfering with the taking of the minutes or testimony by other witnesses) be removed from the committee room;
 - x. Assign bills to subcommittees;
 - xi. Recess or conclude a hearing or meeting;
 - xii. Rule on points of order (questions raised by committee members as to proper committee procedure), unless the point is submitted to the committee for its decision;
 - xiii. Designate the area from which telecommunication equipment may be operated;
 - xiv. Subpoena witnesses (almost never used);
 - xv. Generally control the decorum in the hearing room; and
 - xvi. Review and sign Committee reports.
2. Decisions by the presiding officer are, as in the body of each respective house, subject to modification or reversal by a majority of a quorum of the members of the committee.

D. HEARING TIME MANAGEMENT (S30-50, S30-60; H30-20, H30-50; Mont. Const. Art II, sec. 8)

1. Every person attending a hearing on a bill who wishes to testify on the bill must be given the opportunity to do so.
2. By checking with a bill's sponsor, a presiding officer can estimate the length of time needed for the sponsor's introduction to a bill and the amount of time witnesses will need to present their testimony. Discussion with sponsors of

the order in which bills will be heard on a given day is also helpful in managing the time necessary for a hearing.

3. At the beginning of each hearing on a bill, it may be necessary to divide the available time so that each bill may receive equal consideration. The presiding officer may ask witnesses to designate through a show of hands upon which bill they wish to testify. (Before the hearing, the presiding officer may ask proponents and opponents of a bill how much time their testimony is likely to take.)

4. The presiding officer may then announce the time allotted to each side and that the time limits will be enforced.

Presiding officers differ on how they handle time limits announced to witnesses. At the very least, if a large number of witnesses wish to testify, each "side" [proponents and opponents] should each be given an over all time limitation. Beyond that, if a presiding officer wishes to divide the over all limits into a time limitation for each witness, the presiding officer may do so. However, some presiding officers feel that a time limitation for each witness is being heavy-handed and that announcement of the time limit for each side is sufficient. The choice is up to the presiding officer, but if time limits for each witness are not used, the presiding officer should be clear in announcing to all witnesses that if one witness on a side, even a spokes-person, takes too much time in testifying, the over all time limitation for that side will be enforced, even if it means remaining witnesses on the side can only announce their name, who they represent, and that they support or oppose the legislation.

E. ORDER OF HEARING (S30-50, S30-60, S30-70; H30-20, H30-50)

1. The sponsor of the bill is asked by the presiding officer to "open" the testimony.

2. A sponsor may introduce a constituent, lobbyist, or other person who brought the bill or issue to the sponsor's attention. The person identified by the sponsor should be the first proponent to testify.

3. Proponents of the bill testify, and then opponents of the bill are given equal time. An interested person, such as an executive branch employee, may testify as an "informational witness". After hearing a person's testimony, the presiding officer may designate the person as a proponent or as an opponent.

4. After testimony of all witnesses is complete, committee members may question witnesses. A member wishing to ask a question must be recognized by the presiding officer. Questions must be limited to the subject under consideration. Witnesses must confine their answers to the questions.

5. Witnesses are not allowed to question other witnesses or committee members.

6. After questions are completed, the sponsor is allowed to "close" on the bill. Questions are not allowed after the sponsor closes.

7. A guide for the order in which most hearings should proceed is contained in Appendix 1 to this Manual.

F. QUESTION ETIQUETTE (S30-50, S30-60, S30-70; H30-20, H30-50)



1. Committee members may not question each other during the hearing (except for executive action)

2. Committee members may not abuse witnesses, and the presiding officer may not tolerate the abuse of a committee member by a witness.

3. A member wishing to question a witness or other individual must first be recognized by the presiding officer for each question the member wants to ask.

G. ANTICIPATED EXECUTIVE ACTION

1. Normally, executive action is not taken at the time that a bill is heard. However, executive action might be taken the same day if, for example, the bill is noncontroversial, there is no opposition to the bill, it is readily understood by all members of the Committee, and the sponsor has no objection to immediate action.

2. At the close of the hearing on a bill, the presiding officer may, as a courtesy to the public attending the hearing, state when executive action on the bill is contemplated.

H. EXECUTIVE ACTION

1. Executive action is the time for the committee to act on a bill. The executive action session is open to the public, but testimony is usually not taken from witnesses. However, if there are no objections from the committee or at the discretion of the presiding officer, a member may be allowed to ask questions of witnesses during executive action. This practice should be discouraged, but if it is allowed, fairness to both sides must be considered.

2. A member must normally ask the committee staff to prepare proposed amendments before executive action. This practice allows the proposed amendment to be written in accordance with the Constitution, existing statutes, and other provisions of the bill and to be amended, edited, distributed to the committee, and discussed. This is particularly true of extensive or complicated amendments that, if not prepared before executive action, may require delay in order to allow the committee staff to write the amendments and to bring them to the committee for review.

3. Committee members may propose amendments to a bill during executive action. Although a witness may suggest an amendment during testimony, any amendment considered by the committee must be requested and moved by a member of the committee. All but the simplest amendments must be requested ahead of time to allow the staffer to prepare the amendment and have it edited. "Conceptual" amendments are discouraged.

4. Simple amendments drafted after executive action may be approved by the presiding officer and incorporated into the committee report.

5. After all proposed amendments have been moved and acted upon, action is taken on the bill as amended. All amendments must be in the committee report.

If extensive amendments are offered or if several bills on a subject are before the committee, the presiding officer may appoint a subcommittee to work on the bill or bills.

I. VOTING IN COMMITTEE

1. All votes on amendments and bills must be recorded and made public.

2. If agreed upon by the presiding officer and the committee, an excused member may be allowed to vote by leaving a written vote or a proxy. Absentee voting procedures through the use of the standard form proxy required by both Senate and House rules should be established in the committee rules (see the sample of committee rules included at Appendix 2).

3. On many amendments and bills, a preponderance of the votes will be on one side of the question. The vote may be taken by a voice vote. Those not voting with the majority must be asked to identify themselves. The secretary is required to record the vote.

4. Any member may request a roll call vote. The secretary should call the roll in the order directed by the presiding officer.

5. Regardless of the voting method, the presiding officer should immediately announce the vote.

6. If a bill has been referred to a subcommittee, the subcommittee report is received during executive action in the form of recommended amendments. Action on the amendments proposed in the subcommittee report is the same as for all other amendments acted on by the full committee (although the report to the subcommittee is usually acted on as a "package" and not by a vote on each amendment recommended in the subcommittee report).

7. The senate rules prohibit the use of pairs in committee votes.

J. DISPOSITION OF BILLS AND MOTIONS

1. After the hearing and executive session, which may include consideration of amendments or subcommittee reports, a motion must be made to dispose of the bill.

2. A bill requiring a fiscal note may not be reported from the committee without the fiscal note.

a. The statute allows up to 10 days for the preparation of a fiscal note. If a fiscal note does not accompany the bill when the bill is assigned to the committee, the presiding officer should ask the Speaker of the House or the President of the Senate to request a fiscal note as soon as the need is indicated.

b. If the committee action has rendered an existing fiscal note inaccurate or has resulted in the need for a fiscal note, the presiding officer should ask the Speaker of the House or the President of the Senate to request a new fiscal note.

3. The appropriate motions on the bill as a whole are as follows:

- a. do pass,
- b. do pass as amended,
- c. be concurred in (for bills from the other house),
- d. be concurred in as amended (for bills from the other house), or
- e. to table.

To table is a motion to set aside consideration of a bill. The bill remains in committee and is not reported to the house. This motion is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole.

Other motions that are discouraged because they will use Committee of the Whole time and use resources for bills that are not approved (the table motion is the appropriate motion – after allowing for discussion time):

- a. do not pass;**
- b. do not pass as amended;**
- c. be not concurred in (bill from other house); and**
- d. be not concurred in as amended (bill from other house).**

4. A substitute motion may be made for any pending motion.

a. Only one substitute motion to the original motion may be offered.

b. Adequate discussion should be allowed before voting on each motion.

c. If a substitute motion is offered, it is voted on first.

d. If the substitute motion fails, the original motion is considered.

e. If the substitute motion and the original motion are opposing motions, the presiding officer may announce that without objection, the vote on the substitute motion will be reversed and recorded as the vote on the original motion.

5. When voting on complicated amendments, the question may be divided by segregating amendments into separate votes.

6. If the bill originated in the other house, arrangements should be made by the sponsor of the bill for a member to carry the bill in the Committee of the Whole. When the sponsor has not arranged for a member to carry the bill, the presiding officer may designate a member to move the bill.

7. The joint rules state that once introduced, a bill may not be withdrawn. However, Senate rules allow senate committees to dispose of a bill without a hearing if so requested by a bill's sponsor.

8. Some presiding officers extend a courtesy to sponsors of advising the sponsor of a bill that is likely to be killed in the presiding officer's committee, in order to allow the sponsor time to suggest amendments to the committee. There is no rule requiring such a courtesy.

9. Other motions that may be used in committee:

- a. To take from the table: a motion to resume the consideration of a bill previously set aside.
- b. Postpone action: consideration of the bill is delayed, often to a date certain.
- c. Reconsider action: a motion to bring up a bill previously voted on but that has not yet been reported from the committee. The motion to reconsider action is usually made for the purpose of attempting to change a prior committee vote or to allow reconsideration of adopted or defeated bills or amendments.

K. COMMITTEE REPORT (S30-70; H30-50)

1. A report is prepared for each bill that is recommended to the Committee of the Whole. If amendments are made to the bill, the committee staff will prepare the amendments for inclusion in the committee report. The committee secretary must work with the committee staff and the amendments coordinator of the appropriate house to prepare the committee report.

2. The report must be signed by the committee presiding officer. Before signing the report, the presiding officer should read the report to ensure that it accurately reflects the action of the committee. If the presiding officer is unsure whether all amendments are properly included in the report, the presiding officer should check with the committee secretary or committee staff.

3. If a report needs to be changed for any reason (e.g., the committee wants to revote or a report has been erroneously prepared and signed), it can only be done if the legislation is still in the possession of the committee (the rules expressly provide that a committee may reconsider an action until the committee report is given to the Secretary of the Senate or Chief Clerk of the House). Once legislation is no longer before the committee, in order to have the committee report changed, the bill must again be referred by the body to the committee. Other alternatives to changing the report include rereferring the bill to another committee or an amendment could be proposed in the Committee of the Whole.

L. COMMITTEE BILLS

1. Members of a legislative committee may, by motion and vote, request the drafting of what is known as a "committee bill". A committee bill is requested and is given its own LC number.

2. A committee bill may be on any subject generally within the jurisdiction of the committee and may arise from committee discussion of bills before the committee or just from an idea of one or more members of the committee, not related to legislation then before the committee, who can convince a sufficient number of other committee members to vote for its drafting.

a. In both the Senate and the House, three-quarters of the members of the committee must vote to request the drafting of a committee bill (except in the Senate Finance and Claims Committee, where a majority is sufficient). There are special request deadlines in the joint rules specifying the deadline by which a

committee bill must be requested by a committee. If members of a committee are interested in a committee bill, Joint Rule 40-50 should be consulted to be sure the request falls within the applicable bill draft request deadline (usually the 36th legislative day).

b. In Senate committees, once the committee bill has been drafted, the presiding officer of the committee must sign the bill, or designate another member to sign it, and introduce the bill. By tradition, the procedure is the same in the House.

c. Once the bill is before the committee, consideration of and committee action upon the bill by the committee, including the reporting of the bill and its transmittal to the other house, is the same as for other legislation of its type.

IV. AUDIO COMMITTEE MINUTES PROCEDURES OVERVIEW

All standing committees will be recorded and archived for the 2007 session. Most of the committee meetings will be broadcast live to the Internet.

A. PRESIDING OFFICER

1. Before calling the meeting to order, let the secretary know that you are ready to begin. The secretary will turn the sound system on, and live broadcast to the Internet will begin.

2. Use a firm gavel rap to start the meeting. The audio editors will use the gavel sound to synchronize the audio recording with the minutes log. If you do not have a gavel, clearly state into the microphone that the meeting is starting.

3. Ensure that all committee discussion goes through the chair.

a. Recognize each committee member by name when a member wants to address the committee, question the speaker, etc.

b. Ensure that each committee member is speaking near a microphone and can be heard through the in-room speakers.

4. Ensure that sponsors, proponents, opponents, and informational witnesses introduce themselves when testifying and speak into the microphone. If they are not audible to the sound system, their testimony will not be recorded.

5. Conduct committee business that is unrelated to the bills to be heard or acted upon in executive session before members are called to order and the meeting begins. For example, collecting money for the coffee fund or planning an end-of-the-session social gathering should be done before the meeting begins so that activity is not archived or broadcast to the Internet.

6. During the meeting, remind committee members to speak into the microphones. If they are not audible to the sound system, their statements will not be recorded.

7. Ask members of the audience to approach the podium microphone to respond to questions rather than speaking from their seats.

8. Remind committee members that private conversations are best relegated to areas away from the microphones to prevent those discussions from being archived and broadcast over the Internet.

9. If you call for a break, notify the secretary. Before calling the meeting back to order, let the secretary know that you are ready to resume the meeting.
 - a. The secretary will turn off the sound system immediately when a break is called.
 - b. The secretary will turn the sound system on immediately prior to resumption.
10. If the sound system fails or another technical problem develops, your secretary will notify you.
 - a. Stop the meeting for a short recess.
 - b. The secretary will attempt to fix the problem.
 - c. If the problem cannot be fixed and upon your approval, the secretary (or committee aide) will plug in table-top microphones and record the remainder of the meeting on the secretary's laptop computer. The meeting audio will be archived, but will not be broadcast live over the Internet.
11. Approve the minutes (written log) promptly. This will permit the minutes to be posted to the Legislative Branch website in a timely manner.

B. COMMITTEE SECRETARIES

This document is the process overview. Secretaries should obtain and use the detailed instructions for the meeting processes.

1. Before the meeting begins, the secretary will set up a laptop computer, plug in the audio system feed, and start recording with the "Audacity" software on the laptop. The secretary will open WordPerfect and start the minutes (log) for the meeting.
2. Immediately prior to the start of the meeting, the secretary will turn on the sound system. When the sound system is on, the audio is being broadcast to the Internet.
3. The secretary will use a laptop computer to draft the minutes (i.e. written log) during the meeting. The secretary must start the timestamp macro at the same time the gavel drops to start the meeting.
4. If the chair calls for a break, the secretary will turn the sound system off, but continue to record with Audacity, and leave the timestamp macro running. The secretary should create a timestamp in the log and note that the committee took a break. Immediately prior to the resumption of the meeting, the secretary will turn on the sound system.
5. Immediately after the chair ends the meeting, the secretary will turn off the sound system, stop the timestamp macro, and save the audio recording and the minutes (log). The secretary will end the live Internet broadcast for the meeting.

Sound system failure:

1. If the sound system fails during the meeting, the secretary will immediately notify the chair of the problem. The chair will stop the meeting for a

short recess. The Audacity recording and the timestamp macro should NOT be stopped.

2. With approval of the chair, the secretary will set up the portable microphones on the tabletops. Once the microphones are in place and recording to Audacity, the secretary will notify the chair and remind the chair and others to speak loudly so as to be picked up by the portable microphones.

3. After the meeting ends, the secretary will save the Audacity file as usual and will immediately notify the supervisor that the sound tower failed during the meeting. The secretary will call the technical help desk, x0912, for assistance with copying the Audacity file from the laptop to the appropriate location on the network.

Laptop failure:

1. Should the secretary's laptop computer fail prior to or during a meeting, the secretary will notify the supervisor to get a replacement. If the sound system is operating normally, the meeting need not be stopped, but the secretary will have to create the minutes (written log) after the meeting ends using the archived audio file.

2. If the secretary's laptop fails during a meeting, the meeting should continue so long as the sound system is working. Following the meeting, the secretary will use the audio archive file from the Branch website to complete the minutes (log).

When all else is unavailable:

Should a situation arise where a committee meeting is impending, and there is no working sound system or laptop available, the secretary or someone else should get one of the portable digital recorders from the secretarial supervisor and record the meeting with it. After the meeting, the secretary will contact the technical help desk, x0912, for assistance with copying the portable recorder file to the network for archiving.

Posting audio recording, minutes (log), and exhibits to the legislative website:

1. The LSD will post the audio recording for each meeting to the Branch website as soon as possible after the meeting. Individuals who want to listen to a meeting will be directed to the website.

2. The secretary will complete the minutes, have them proofed, make the proofing revisions, have the chair review them, make the chair's revisions, print them on archival paper, and obtain the chair's signature.

3. The secretary will take the signed minutes, attachments, and exhibits to the scanning technician (or the supervisor - as determined by the secretarial supervisor). The secretary will also transfer the electronic copy of the minutes to the scanning directory for the committee on the network.

4. The scanning technician will scan the attachments and exhibits and link them to the minutes files electronically.

5. The LSD will post the minutes, attachments, and exhibits to the Branch website.

V. CONFERENCE AND FREE CONFERENCE COMMITTEES

A. BACKGROUND (J30-30, J40-170; S50-110; H40-230)

When the second house amends a bill, those amendments are returned to the sponsor's house for approval or rejection. *Joint Rule 40-170* states that amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. If the sponsor's house rejects the amendments, *Joint Rule 30-30* provides that a motion can be made to form a conference committee or a free conference committee. The Rules of the Montana Legislature do not require a conference committee be held prior to convening a free conference committee. However, section 773 of Mason's Manual of Legislative Procedure (2000) indicates that this is the preferred process.

Conference Committee

A conference committee is made up of three representatives and three senators – appointed by leadership. The members are usually selected from the committees that considered the bill. It is the conference committee's responsibility to reconcile the differences concerning the amendments to a bill. A conference committee may not further amend the bill – the conference committee is limited to doing one of three things:

- (1) Adopt the proposed amendments**
- (2) Reject the proposed amendments**
- (3) Amend the proposed amendments**

Free Conference Committee

A free conference committee is made up of three representatives and three senators – appointed by leadership. The members are usually selected from the committees that considered the bill. A free conference committee is not limited to addressing only the disputed amendments. A free conference committee may do any of the following:

- (1) Adopt the proposed amendments**
- (2) Reject the proposed amendments**
- (3) Amend the proposed amendments**
- (4) Amend the bill**

B. ESTABLISHING A CONFERENCE COMMITTEE

The members of a conference committee are appointed by their respective house. In most cases the President of the Senate and the Speaker of

the House each appoint members (traditionally, two from the majority party and one from the minority party). It is important to remember that a conference committee is two separate committees—one House and one Senate—meeting concurrently. Pursuant to Joint Rule 30-10, the chair of the Senate committee is the chair of all joint committees.

C. PUBLIC NOTICE, MINUTES, AND STAFFING

As with any other legislative meeting, conference committee meetings are open meetings. It is the presiding officer's responsibility to establish the time and place for the conference committee meeting and to have this information read across the rostrum. It is not appropriate to have an impromptu meeting in the hallway and informally discuss the issues and come to a conclusion.

It is necessary to have minutes for the meeting that accurately reflect any action taken by the conference committee. Therefore, the secretary as well as the legislative staff person that staffed the last committee that heard the bill should be notified so that the conference committee is adequately staffed.



D. VOTING (J30-20)

Joint Rule 30-20 provides that because conference committees are joint meetings of separate committees, the committees from each house vote separately. A majority of each committee is required to agree before any action may be taken, unless otherwise specified by individual house rules.

For Example: If there are three members appointed for the House committee and three members appointed for the Senate committee that meet concurrently as a conference committee—at least 2 of the 3 House members would have to approve the motion and at least 2 of the 3 Senate members would have to approve the motion. The House and Senate committees vote separately on the issues before them.

In the event that the appropriate numbers of votes are not obtained for a motion to pass, the conference committee has multiple options. The committee can:

1. meet again;
2. request that the committee be dissolved and request appointment of new members;
3. request that the committee be dissolved and request a free conference committee (if the committee started as a simple conference committee); or
4. reconsider their actions.

E. REPORTING (S50-110; H40-230)

There will need to be at least a majority of votes from the Senate and a majority of votes from the House in order to report a motion out of the conference committee. If the motion was passed by both the House and Senate portions of the conference committee, then the results are reported out to the Committee of the Whole and considered at an appropriate time.

Senate rules provide that when a conference committee report is filed with the Secretary of Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading.



House rules provide that when a House conference committee files a report, the report must be announced under Order of Business No. 3. The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration.

F. DISSOLVING A CONFERENCE COMMITTEE

In both the House and the Senate, a conference committee remains intact unless it is officially dissolved by a motion, action of the Speaker of the House, or action of the President of the Senate.

Appendix 1

ORDER OF HEARING

1. Use gavel to call Committee to order once quorum is believed present.
2. Ask Committee secretary to take roll (by roll call or "noting" the roll); the presiding officer then by custom announces those members absent and excused.
3. Committee announcements (special information for Committee members regarding joint committee meetings, committee training, etc).
4. Announce bills to be heard that day and order in which they will be heard.
5. Announce bills on which executive action will be taken.
6. Announcement of first bill and sponsor. Welcome sponsor to committee.
7. Sponsor opening statement (and introduction of any person requesting the bill, if the sponsor so desires).
8. Announcements to witnesses: reminders to witnesses (sign in, Committee rules, submission of written testimony, etc.) and announcement of any time management rules for all witnesses.
9. Calling of first (and subsequent) witness for proponents.
10. Calling of first (and subsequent) witness for opponents.
11. Testimony by informational witnesses.
12. Questions of witnesses by Committee members.
13. Close by bill sponsor.
14. Use gavel to close hearing.
15. Repeat from number 6 above for hearings on subsequent bills.

Appendix 2

COMMITTEE RULES OF PROCEDURE

I. Public Hearings on Proposed Legislation

A. Hearing Process

1. At the time set for hearing, the Presiding Officer will recognize the sponsor of the bill who will make opening remarks (or introduce another individual who will make opening remarks).

2. Proponents of the bill will present testimony.

3. Opponents of the bill will present testimony.

4. Questions will then be asked by committee members only.

5. Each question will be directed through the Presiding Officer.

6. All discussion will begin and end at the discretion of the Presiding Officer.

7. The sponsor of the bill will close the presentation.

B. Witnesses

1. All witnesses must enter their names on the witness list before presenting testimony.

2. Proponents and opponents should try to state new points of testimony only. If they wish to agree with points already made, they should simply say that they agree.

3. Witnesses presenting testimony before the Committee should remain in the room until the hearing is closed to answer any questions from committee members.

4. Written copies of the testimony may also be submitted for the permanent Committee record.

C. General

1. Everyone will act and be treated in a courteous manner.

2. The Presiding Officer will maintain order within the committee room and the environs during all Committee meetings.

3. Suggested amendments to bills should be presented to the Committee in writing.

4. Cell phones must be turned off in the hearing room except in cases of true emergency.

5. Videotaping of hearings by members of the public will be allowed at the discretion of the Presiding Officer.

6. Testimony requiring the use of video, audio, or other equipment will be permitted at the discretion of the Presiding Officer, if arrangements are made in advance.

7. Absentee video or audio testimony may not be permitted.

II. Executive Session

A. Generally, executive session will not be held the same day as the public hearing on the bill.

B. Although executive sessions are open to the public, no comments may be made by anyone but committee members. Members of the public may be asked questions by Committee members at the discretion of the Presiding Officer.

C. Absentee voting by Committee members is permitted through the use of the standard form proxy or through the vice presiding officer or minority vice presiding officer.

D. Motions by Committee members do not require a second.

III. Amendments

A. Amendments to be presented to the Committee for consideration during executive session must be requested by a committee member.

B. All amendments must be submitted in writing to the Committee staff the day prior to executive action on a bill. A simple amendment may be considered on shorter notice at the discretion of the Presiding Officer. For example, a change in single a date or number could be an amendment not presented in writing.

C. Only members of the Committee may move amendments to a bill while the bill is in the Committee.

IV. Sample Proxy Forms

Examples are based on past usage. Form may change per leadership or rules.

Senate

PROXY VOTE

I, the undersigned, hereby authorize Senator _____ to vote my proxy on any issue before the Senate _____ Committee held on _____, 2007.

Signed _____
Senator

House

COMMITTEE PROXY

I request to be excused from the _____ Committee because of other commitments. I desire to leave my proxy vote with:_____.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

House Bill/Amendment Aye No

Senate Bill/Amendment Aye No

Rep./ Sen. _____
(Signature)

Appendix 3

MOTIONS IN COMMITTEE (S30-70; H30-50)

Proper motions in committee include:

- a. To amend: the motion is to propose to change the bill in a specified manner.
- b. Do pass: the bill is recommended to be placed on second reading as received by the committee.
- c. Do pass as amended: the bill is recommended to be placed on second reading with amendments adopted by the committee engrossed into the second reading copy.
- d. To table: a motion to set aside consideration of a bill. The bill remains in committee and is not reported to the house. This motion is nondebatable and is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole.
- e. To take from the table: a motion to resume the consideration of a bill previously set aside.
- f. Postpone action: consideration of the bill is delayed, often to a date certain.
- g. Reconsider action: a motion to bring up a bill previously voted on but that has not yet been reported from the committee. The motion to reconsider action is usually made for the purpose of attempting to change a prior committee vote or to allow reconsideration of adopted or defeated amendments.
- h. Be concurred in: the bill received from the other house is recommended to be placed on second reading in the form received by the committee.
- i. Be concurred in as amended: the bill received from the other house is recommended to be placed on second reading with amendments adopted by the committee engrossed into the second reading copy.

Other motions that are allowed but are discouraged because they will use Committee of the Whole time and use resources for bills that are not approved (the table motion is the appropriate motion – after allowing for discussion time):

- a. do not pass;
- b. do not pass as amended;
- c. be not concurred in (bill from other house); and
- d. be not concurred in as amended (bill from other house).

Appendix 4
COMMITTEE CHAIR EMERGENCY GUIDELINES (SUMMARIZED)

A. MEDICAL ASSISTANCE, SECURITY MATTERS, HOSTILE WITNESSES, OVERCROWDING, SOUND SYSTEM ISSUES

If during the course of a hearing or meeting the presiding officer or a committee member has concerns about someone in the hearing or any other matter, please call or send someone to the Sergeant at Arms office: in the House, Room 470 or 444-4200 and the Senate, Room 375 or 444-4878. Other resources are the nearest House or Senate security officer (in blazers), the Capitol security officers (in uniform and at the ground floor guard desk), or call Lenore Adams (Legislative Branch Emergency Action Team Coordinator) cell number 431-7890. The presiding officer, a committee member, or staff can call for medical assistance, security matters, hostile witnesses, overcrowding, sound system issues, or any other concern. The Sergeants will use the radios to summon security, Department of Administration General Services, Helena Police, or a medical response team, as necessary. Security personnel are connected by radio so you can receive help from any of them at any time during the session.

B. MEDICAL EMERGENCY

For a medical emergency or major problem, you can call 911 immediately and send a runner to the Sergeants office to summon in-building help. There are AED (Automated External Defibrillator) units on the second floor and at the guard's desk on the ground floor and personnel within the building who are trained in their use.

C. FIRE ALARM OR EVACUATION

In the event of a fire alarm or evacuation, the presiding officer and any staffer present should assist the General Services and Security personnel or orange-vested safety team member to clear the room, evacuate the building, and then report to the assembly area to check in. The presiding officer and the staff should remain calm and help maintain a sense of authority and order. This is especially important to the visitors and guests to whom it will all be new and unknown. By encouraging others to cooperate and to stay together and leading by example, the presiding officer can help set the tone for the entire evacuation or event.

D. BOMB THREAT

In the event of a bomb threat, contact the Sergeant at Arms' office or call 911. They will initiate the Capitol Complex response. Do not pull the fire alarm for anything other than an actual or suspected fire.

E. SUSPICIOUS MAIL

For a threatening letter, note, or other suspicious mail, it is important to report it immediately to the Sergeants at Arms or security. Even if you think it is an isolated event or do not feel threatened, it is important to track these items because sometimes there are trends or the letters escalate to involve other Legislators. Do not handle the item further and do not expose additional people to it.

F. EARTHQUAKE

In the event of an earthquake, drop under a piece of furniture, cover your head and neck, and hold on until the movement stops. Then immediately evacuate the building while assisting those with injuries.

G. COMMITTEE PROCEDURES

The presiding officer, the staff assigned to the committee, and the committee secretary should discuss beforehand the various exits from their hearing room (maps are posted above the light switch in each room) and decide who will lead the way out and who will remain to follow the group. Staff should have read and be familiar with the Emergency Action Plan for the Capitol Building. The Emergency Action Plan covers numerous scenarios in depth and offers an explanation of the Capitol Complex emergency procedures which we follow.

It is vital that after an evacuation that the legislators and staff immediately report in to the Sergeants at Arms at the assembly point so that we can account for everyone as soon as possible. If you are aware of someone who may be trapped or is missing, it is your responsibility to report that information to a security officer or orange-vested safety person as soon as possible. If you have any questions about any of this material, please seek clarification from a safety team member or the Sergeant at Arms' office. Working together we can all be safer and more secure.

Updated November 2006
Lenore M. Adams
Legislative Branch Emergency Action Coordinator
Cell number 431-7890
Office number 444-4456

Appendix 5

COMMITTEE WORK MANAGEMENT REPORTS IN LAWS

LAWS is an acronym that we use to refer to a system that encompasses three different applications -- LAWS WordPerfect (i.e., bill drafting), LAWS Oracle Forms (i.e., status), and the LAWS web site.

Detailed information to help manage committee work-- the flow of bills through committee-- is available to all committee secretaries and staffers in the form of reports that can be run from the Oracle Forms portion of LAWS.

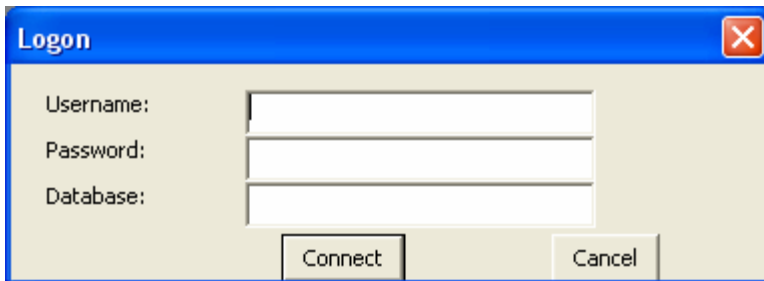
Oracle Forms is the database where all the status data is input and maintained. The icon should be on everyone's computer desktop. It looks like this:



If you are missing this icon, please let the IT staff know.

Like any other icon on your desktop, double click it to launch the application.

You will see a login screen, like so:

The login screen is a window titled "Logon" with a blue header bar and a red close button in the top right corner. The main area is light beige. It contains three labels: "Username:", "Password:", and "Database:", each followed by a text input field. At the bottom, there are two buttons: "Connect" and "Cancel".

Your Username is your CL number.

When new users are added to the application, their Oracle Forms password is typically set to their CL number. So unless you have intentionally changed your password from within the Oracle Forms database, it should still be set to your CL number. If it is not your CL number and you do not remember your password, it can be reset for you.

NOTE: Your Oracle password is totally separate and independent of both your network password and your Outlook password. It will only change if you intentionally change it within Oracle Forms. It does not change when you change your network or Outlook passwords.

The database for the 2007 session information is LAWS07 (that's LAWS-zero-7).

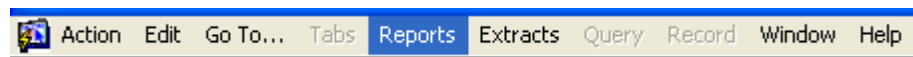
After entering the required information, click the connect button. After successfully signing on, Oracle Forms will display the splash screen. The splash screen looks like this:



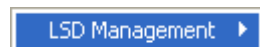
From the splash screen, you can use the menu to run the reports.

NOTE: The committee-based reports, as most LAWS reports, are "snapshots" in time. That is, the current status of the bills determine if it shows on the report being run. Therefore, if you actually ran a committee report today against the 2007 database, the report would be returned empty, since there are no bills in any stage of the committee process for 2007 as of now. Similarly, if you ran a report against, for example, the 2005 database, the report would be returned empty, since the 2005 session is over and there are no bills in committee.

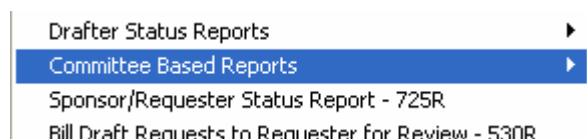
To run a report (when bills are actually in committee), click Reports from the menu bar.



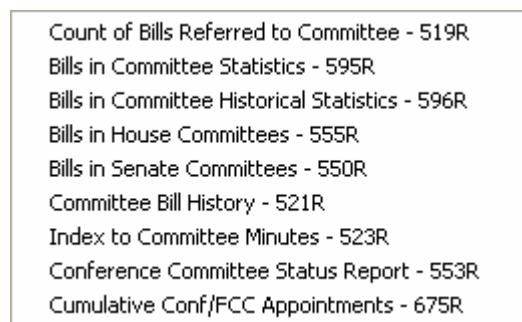
From the submenu click LSD Management.



From the resulting submenu, click Committee Based Reports.



The list of available Committee Based Reports will look like this:



The reports on this menu are the same reports available to the committee secretaries. The secretaries are trained on how to get to the reports and how to run them. They are also given handouts with this information. The secretaries can and should provide this information to their committee presiding officer or the presiding officer can run the report.

Choose the report to run by clicking on the name of the report. Oracle will automatically launch a Reports Background Engine that is needed to run the report. The background engine will minimize itself on the windows task bar (the bar at the bottom of your screen that displays icons for all the applications you have open). Simply ignore the background engine.

Within a few seconds the parameter page for the report will appear on your screen. Almost every report in LAWS Forms has a parameter page. The parameters available will vary with the report being run, so you should read them closely until you are familiar with that specific report.

For the Bills in House Committees report, for example, the parameters include, among others, the option to report the information on ALL house committees, or a single house committee. From the Committee Based Reports menu, the Bills in House Committees report parameter page defaults to a single committee, and the selected committee defaults to House Agriculture (because the list of committees is sorted alphabetically). Use the dropdown arrow to select the specific committee you want. When you have the parameters set the way you want, run the report.

The report is run by clicking the traffic light icon at the top of the parameter page. It looks like this:



Shortly after running the report, the report will display on your screen. You can view the report, then close it. Or, you can print it then close it.

The icon to print the report looks like this:

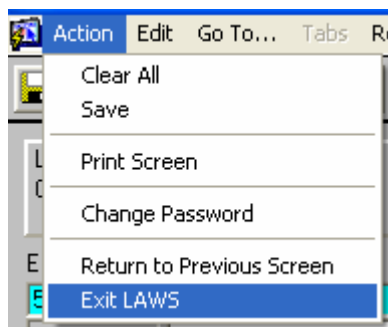


The icon to close the report looks like this:



NOTE: It is important to close the report whether you print it or not. Failure to close the report can make the Oracle application (LAWS Forms) act as though it is not working properly.

To close the Oracle Forms application, click Exit LAWS from the Action menu like so:



ADDITIONAL THOUGHTS

Previous sessions have shown us that the most significant reports in regards to managing committee work are "Bills in House Committees - (555R)" and "Bills in Senate Committees - (550R)." Both reports show every bill that is currently in the committee and its latest status by grouping them into categories. The categories include the following:

- Referred; Not Yet Scheduled for Hearing
- Scheduled for Hearing
- Heard; No Executive Action Taken
- Executive Action Taken
- Referred to Committee to Consider 2nd House Amendments
- Tabled
- Taken from Table

Here is a sample of the House report:

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0555r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0555r.pdf)

The Senate report is similar.

Once a bill is reported out of committee, it falls off the Bills in Committee report and is no longer listed.

However, ALL bills that had ever been referred to a committee are listed on a report named "Committee Bill History - 521R." It shows every bill ever referred to a specific committee along with its current status and other information. It can also be found on the Committee Based Reports submenu.

Here is a sample of that report:

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0521r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0521r.pdf)

Here are links to samples of all the reports available on the Committee Based Reports menu:

Count of Bill Referred to Committee - 519R *(Lists the count of bills referred to committees. Used for purposes of workload management by House and Senate, and committee staffer.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0519r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0519r.pdf)

Bills in Committee Statistics - 595R *(All the introduced bills, which have a latest hard action corresponding to the "In House Committee" or "In Senate Committee" or "Tabled in Committee" bill progress categories.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0595r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0595r.pdf)

Bills in Committee Historical Statistics - 596R *(All the introduced bills, which have a latest hard action corresponding to the "In House Committee" or "In Senate Committee" or "Tabled in Committee" bill progress categories as of a selected legislative day. This report is used primarily by the Executive Director to get statistics from one session to another.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0596r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0596r.pdf)

Bills in House Committee - 555R *(All the introduced bills, which have a latest hard action belonging to the "In House Committee – Tabled" or "In House – In Standing Committee – Non-tabled" bill progress categories.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0555r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0555r.pdf)

Bills in Senate Committee - 550R *(All the introduced bills, which have a latest hard action belonging to the "In Senate Committee – Tabled" or "In Senate – In Standing Committee – Non-tabled" bill progress categories.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0550r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0550r.pdf)

Committee Bill History - 521R *(All the introduced bills that were ever assigned to a committee, and their latest status.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0521r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0521r.pdf)

Index to Committee Minutes - 523R *(This report list information about every bill that has been referred to a standing committee. This report is usually generated by a committee secretary near the end of the session. It serves as an index to the committee minutes.)*

NOTE: If you view this report, be sure to view the second page.

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0523r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0523r.pdf)

Conference Committee Status Report - 553R *(This report lists the status of all bills currently in a conference or free conference committee)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0553r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0553r.pdf)

Cumulative Conf/FCC Appointments - 675R *(All the introduced bills, which have any action in the "CC/FCC Appointed" action group and a list of legislators assigned to that CC/FCC.)*

[<file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0675r.pdf>](file:///R:/Reference/IT User Instructions/LAWS/Report Samples/Law0675r.pdf)